GOVERNMENT OF THE DISTRICT OF COLUMBIA

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
ENVIRONMENTAL REGULATION ADMINISTRATION
2100 MARTIN LUTHER KING, JR. AVENUE S.E.
WASHINGTON, D.C. 20020-5732

October 14, 1993

Kelly Bunker
841 Chestnut Building
Philadelphia, PA 19107

Dear Ms. Bunker:

Please find enclosed a copy of D.C. Law 10-24, the "Air Pollution Control Act of 1984 National Ambient Air Quality Standards Attainment Amendment Act of 1993." This law became effective on September 30, 1993.

Section 904 of this law establishes an oxygenated fuel standard in the District of Columbia. Subsections 500.4, 500.5 and 500.6 establish record keeping requirements for parties involved in the gasoline distribution network.

If you have any questions or require further information, please contact me at (202) 404-1180, ext. 3368.

Sincerely,

Philip Kingsley

Compliance and Enforcement Branch
Air Resources Management Division

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 10-24

"Air Pollution Control Act of 1984 National Ambient Air Quality Standards Attainment Amendment Act of 1993".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 10-11 on first and second readings, June 1, 1993, and June 29, 1993, respectively. Following the signature of the Mayor on July 16, 1993, this legislation was assigned Act No. 10-56, published in the July 30, 1993, edition of the D.C. Register, (Vol. 40 page 5474) and transmitted to Congress on July 21, 1993 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 10-24, effective September 30, 1993.

DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

July	21,22,23,26,27,28,29,30
August	2,3,4,5,6
September	7,8,9,10,13,14,15,16,17,20,21,22,23,24,27,28,29

Enrolled Original

AN ACT

Codification

District of Columbia Code

D.C. ACT 10-56

(1994 Supplement)

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 16, 1993

To amend the District of Columbia Air Pollution Control Act of 1984 to establish standards that will bring the District into attainment of the National Ambient Air Quality Standards.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Air Pollution Control Act of 1984 National Ambient Air Quality Standards Attainment Amendment Act of 1993".

Sec. 2. Section 3 of the District of Columbia Air Pollution Control Act of 1984, effective March 15, 1985 (D.C. Law 5-165; 20 DCMR 100 *et seq.*), is amended as follows: DCMR

(a) 20 DCMR 199 is amended as follows:

(1) The definition for "major stationary source" is amended to read as follows:

"Major stationary source -

"(a) Any stationary source of air pollutants that emits, or has the potential to emit, fifty (50) tons per year or more of oxides of nitrogen or volatile organic compounds or one hundred (100) tons per year or more of any other pollutant subject to the regulations under the Federal Clean Air Act; or

"(b) Any physical change that would occur at a stationary source not qualifying under (a) of this definition as a major stationary source, if the change would constitute a major stationary source by itself.

"(c) A major stationary source that is major for oxides of nitrogen or volatile organic compounds shall be considered major for ozone.".

(2) Paragraph (a)(2) of the "net emissions increase" definition is amended to read as follows:

"(2) Any other increases and decreases in actual emissions at the source since January 1, 1991, that are contemporaneous with the particular change and are otherwise creditable.".

(3) Thirty-two new definitions are added to read as follows:

"Annual process rate - the actual or estimated annual fuel, process or solid waste operating rate.

"Blending plant - any refinery or other facility at which oxygenated gasoline is produced through the addition of oxygenates, and at which the quality or quantity of the gasoline is not altered in any other manner.

"Certifying individual - the individual responsible for the completion and certification of the emission statement and who will take legal responsibility for the emission statement's accuracy.

"Control efficiency - the actual total control efficiency achieved by the control device(s).

"Control equipment identification code - the AIRS/AFS code which defines the equipment used to reduce, by destruction or removal, the amount of air pollutant(s) in an air stream prior to discharge to the ambient air.

"Control technique guideline - an EPA document designed to assist the states in designing reasonably available control technology for major sources of volatile organic compounds.

"Distributor - any person or party who supplies gasoline for delivery to a retail outlet.

"Emission factor - an estimate of the rate at which a pollutant is released to the atmosphere as the result of some activity divided by the rate of that activity.

"Emission statement - annual report of actual emissions of oxides of nitrogen and volatile organic compounds required of each owner or operator of stationary sources pursuant to the requirements of section 182(a)(3)(B) of the Federal Clean Air Act.

"Estimated emissions method code - a one-position AIRS/AFS code which identifies the estimation technique used in the calculation of estimated emissions.

"Independent small business marketer of gasoline - any person engaged in the marketing of gasoline who would be required to pay for procurement and installation of vapor recovery equipment under § 325 of the Federal Clean Air Act or regulations promulgated thereunder, unless such person --

"(a) is a refiner;

"(b) controls, is controlled by, or is under common control with a refiner;

"(c) is otherwise directly affiliated with a refiner or with a person who controls, is controlled by, or is under a common control with a refiner; or

"(d) receives less than fifty (50) percent of his annual income from refining or marketing of gasoline.

"For the purpose of the definition of Independant small business marketer of gasoline, the term "refiner" shall not include any refiner whose total refinery capacity (including the refinery capacity of any person who controls, is controlled by, or is under common control with such refiner) does not exceed sixty five thousand (65,000) barrels per day, and the terms "controls", "controlled by", or "common control" mean ownership of more than fifty (50) percent of the refiner's common stock.

"Non-oxygenated gasoline - any gasoline having an oxygen content of less than two (2.0) percent by volume or four tenths (0.4) percent by weight.

"Oxides of nitrogen - in air pollution usage, this comprises nitric oxide and nitrogen dioxide, expressed as the molecular weight of nitrogen dioxide.

"Oxygenate - any oxygen-containing compound approved for use in gasoline by the United States Environmental Protection Agency, including oxygen-containing compounds which comply with the United

States Environmental Protection Agency's substantially similar definition under § 211(f)(1) of the Federal Clean Air Act, or which have received a waiver from the United States Environmental Protection Agency under § 211(f)(4) of the Federal Clean Air Act.

"Oxygenated gasoline - gasoline which contains one or more oxygenates.

"Oxygenated gasoline control period - the four (4) month period which begins on November 1 of each year and continues through the last day of February of the following year.

"Oxygenated gasoline control area - the District of Columbia portion of the Washington, D.C. - Maryland - Virginia Metropolitan Statistical Area.

"Peak ozone season - the consecutive three (3) month period from June 1 through August 31.

"Percentage annual throughput - the weighted percent of yearly activity for the following consecutive three (3) month periods:

"(a) December through February;

"(b) March through May;

"(c) June through August; and

"(d) September through November.

"Plant - the total facilities available for production or service.

"Point - a physical emission point or process within a plant that results in pollutant emissions.

"Process rate - quantity per unit time of any fuel burned, or raw material or process intermediate consumed, or product generated through the use of any equipment, source operation, or process.

"Refiner - any person who owns, leases, operates, controls, or supervises a refinery.

"Refinery - any facility, including a blending plant, which produces gasoline.

"Retailer - any person who owns, leases, operates, controls, or supervises a retail outlet.

"Retail outlet - any establishment at which motor fuel is sold or offered for sale to the general public for use in motor vehicles.

"Segment - components of an emissions point or process at the level that emissions are calculated.

"Standard industrial classification code - a series of codes devised by the Office of Management and Budget to classify establishments according to the type of economic activity in which they are engaged.

"Terminal - a gasoline storage and distribution facility with an average daily throughput greater than forty thousand (40,000) gallons of gasoline.

"Typical ozone season day - a day typical of that period of the year during the peak ozone season.

"Volatile organic compounds - any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions. This includes any such organic compound other than the following which have been determined to have negligible photochemical reactivity: methane; ethane; methylene chloride (dichloromethane); 1,1,1-trichloroethane (methyl chloroform); 1,1,1-trichloro 2,2,2-trifluoroethane (CFC-113); trichlorofluoromethane (CFC-11); dichlorodifluoromethane (CFC-12); chlorodifluoromethane

(CFC-22); trifluoromethane (FC-23); 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114); chloropentafluoroethane (CFC-115); 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123); 1,1,1,2-tetrafluoroethane (HFC-134a); 1,1-dichloro 1-fluoroethane (HCFC-141b); 1-chloro 1,1-difluoroethane (HCFC-142b); 2-chloro 1,1,1,2- tetrafluorethane (HCFC-124); pentafluoroethane (HFC-125); 1,1,2,2-tetrafluoroethane (HFC-134); 1,1,1-trifluoroethane (HFC-143a); 1,1-difluoroethane (HFC-152a); and perfluorocarbon compounds which fall into these classes - (1) cyclic, branched, or linear, completely fluorinated alkanes, (2) cyclic, branched, or linear, completely fluorinated ethers with no unsaturations, (3) cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations, and (4) sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine. For purposes of determining compliance with emission limits, volatile organic compounds will be measured by the approved test methods. Where such a method also inadvertently measures compounds with negligible photochemical reactivity, an owner or operator may exclude these negligibly reactive compounds when determining compliance with an emission standard.

"Wholesale purchaser-consumer - any ultimate consumer of gasoline who purchases or obtains gasoline from a supplier for use in motor vehicles and receives delivery of that product into a storage tank, substantially under the control of that person, of at least five hundred fifty (550) gallon capacity.".

(b) 20 DCMR 204.4 is amended to read as follows:

"204.4 The applicant for a permit for the source will cause to have reduced, prior to the operation of the source, sufficient emissions from other existing stationary sources so that the emissions from the new or modified major stationary source in conjunction with the reduction of the emissions (below the level of emissions that would be permitted under this chapter) from the existing stationary sources, will result in decreased emissions of the pollutant in question, and will not adversely affect the air quality in any area not attaining the national ambient air quality standards. The ratio of total reductions of emissions of oxides of nitrogen from other existing sources to total increases of emissions of oxides of nitrogen from the new or modified major stationary source shall be at least one and two tenths (1.2) to one (1.0). The ratio of total reductions of emissions of volatile organic compounds from other existing sources to increases of emissions of volatile organic compounds from the new or modified major stationary source shall be at least one and two tenths (1.2) to one (1.0).".

(c) 20 DCMR 500 is amended by adding new subsections 500.4, 500.5, 500.6, and 500.7 to read as follows:

"500.4 All parties in the gasoline distribution network, which includes refiners, importers, terminals, retailers, wholesale purchaser-consumers, carriers and distributors, shall generate and maintain, for a period not less than three (3) years, records detailing compliance with section 904. Records shall be made available for review by the Mayor, upon request, during normal business hours, or submitted to the Mayor for review upon request. These records shall include, as applicable:

"(a) The owner of the gasoline;

"(b) The volume of gasoline;

"(c) The identification and results of tests utilized to determine the percentage by weight of component oxygenates;

"(d) The oxygen content by weight of the gasoline;

"(e) The type of oxygenate and, when available, the percentage by volume;

"(f) The results of any quality assurance tests performed;

"(g) The name and address of the person(s) from whom the gasoline was purchased;

"(h) The name and address of the person(s) to whom the gasoline was sold or transferred; and

"(i) If applicable, the destination of the gasoline.

"(j) Retailers shall comply with paragraphs (a) through (g) of this subsection.

"500.5 Each time gasoline is transferred as required under section 904, the transferor shall provide the transferee a transfer document i.e., manifest, invoice, bill of lading, copies of which shall be maintained by the transferee for a period of not less than three (3) years, and which shall contain the following information:

"(a) The date of the transfer;

"(b) The name and address of the transferor;

"(c) The name and address of the transferee;

"(d) The location of the gasoline at the time of the transfer if different from that required by paragraph (c) of this subsection;

"(e) The volume of gasoline transferred;

"(f) The oxygen content by weight of the gasoline transferred;

"(g) A product certification statement that states one of the following:

"(1) "The oxygen content of all gasoline(s) listed contains 2.7 - 2.9% by weight with ethers."; or

"(2) "The oxygen content of all gasoline(s) listed contains 2.7 - 3.5% by weight with alcohols."; and

"(h) The destination of the gasoline.

"500.6 The owner or operator of a stationary source shall maintain the records required by this chapter for not less than three (3) years.

"500.7 The owner or operator of a stationary source which emits twenty-five (25) tons or more per year of oxides of nitrogen or volatile organic compounds shall submit to the Mayor a statement showing the actual emissions of oxides of nitrogen and volatile organic compounds from that source. The first such emission statement shall be submitted no later than April 15, 1993, for the previous calendar year, with subsequent emission statements submitted at least every year thereafter. The emission statement shall contain, at a minimum, the following information:

"(a) Certification that the information contained in the statement is accurate to the best knowledge of the individual certifying the statement. The certification shall include the full name, title, signature, date of signature, and the telephone number of the certifying individual.

"(b) Source identification information:

"(1) Full name, physical location, and mailing address of the facility;

"(2) Latitude and longitude; and

"(3) Standard Industrial Classification code(s).

"(c) Operating information:

"(1) Percentage annual throughput by season;

"(2) Days per week on the normal operating schedule;

"(3) Hours per day during the normal operating schedule; and

"(4) Hours per year during the normal operating schedule.

"(d) Process rate data:

"(1) Annual process rate; and

"(2) Peak ozone season daily process rate.

"(e) Control equipment information:

"(1) Current primary and secondary AFS control equipment identification codes; and

"(2) Current control equipment efficiency. The actual efficiency shall reflect the total control efficiency from all control equipment and include downtime and maintenance degradation. If the actual control efficiency is unavailable, the design efficiency or the control efficiency limit imposed by a permit shall be used.

"(f) Emissions information:

"(1) Estimated actual emissions of oxides of nitrogen and volatile organic compounds at the segment level in tons per year and pounds per typical ozone season day. Actual emission estimates must include upsets, downtime, and fugitive emissions, and must follow an emission estimation method;

"(2) AFS estimated emissions method code;

"(3) Calendar year for the emissions; and

"(4) Emission factor, if applicable.".

(d) 20 DCMR 502 is amended as follows:

(1) Subsection 502.13 is amended to read as follows:

"502.13 Stationary sources other than those specified in §§ 502.14 and 502.17 shall be tested in accordance with the provisions of this section.".

(2) New subsections 502.17 and 502.18 are added to read as follows:

"502.17 Tests for emissions of volatile organic compounds shall be undertaken in accordance with the appropriate methods in Appendix No. 5 to this chapter.

"502.18 Tests for determining the oxygen content by weight of gasoline shall be undertaken in accordance with American Society for Testing and Materials test method D-4815-89, or any method approved by the Environmental Protection Agency and the Mayor.".

(e) Chapter 5 of 20 DCMR is amended by adding a new Appendix No. 5 to the end to read as follows:

"APPENDIX NO. 5

TEST METHODS FOR SOURCES OF VOLATILE ORGANIC COMPOUNDS

Source Category	EPA Document No.	Control Option	Test Method[1]
Surface Coating of Cans, Metal Coils, Paper, Fabric, and Automobiles and Light-Duty Trucks	EPA-450/2-77-008	Low solvent coatings	Method 24
		Add-on[2]	Method 25 or methods in EPA-450/2-78-041
Surface Coating of Metal Furniture	EPA-450/2-77-032	Low solvent coatings	Method 24 or methods in EPA-450/2-77-032, pages 5-1 to 5-5
		Add-on[2]	Method 25 or methods in EPA-450/2-78-041
Surface Coating of Magnetic Wire	EPA-450/2-77-033	Add-on[2]	Method 25 or methods in EPA-450/2-78-041
Surface Coating of Large Appliances	EPA-450/2-77-034	Low solvent coatings	Method 24 or methods in EPA-450/2-77-034, pages 5-1 to 5-4
		Add-on[2]	Method 25 or methods in EPA-450/2-78-041

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APPENDIX NO. 5 (CONTINUED)

TEST METHODS FOR SOURCES OF VOLATILE ORGANIC COMPOUNDS

Source Category	EPA Document No.	Control Option	Test Method[1]
Bulk Gasoline Terminals	EPA-450/2-77-026	Add-on[2]	Methods 25A, 25B, 2A, 2B
			Leak tests per methods in EPA-450/2-78-051
Bulk Plants	EPA-450/2-77-035	Vapor balance system[3], equipment specifications and operating procedures	Equipment inspection per methods in EPA-450/2-77-035, page 6-3
			Leak tests per methods in EPA-450/2-78-051
Service Stations--Stage I	Design Criteria Document	Vapor balance system[3], equipment specifications and operating procedures	Equipment inspection per methods in Design Criteria Document, pages 3 to 6
			Leak tests per methods in EPA-450/2-78-051

APPENDIX NO. 5 (CONTINUED)

TEST METHODS FOR SOURCES OF VOLATILE ORGANIC COMPOUNDS

Source Category	EPA Document No.	Control Option	Test Method[1]
Fixed-Roof Tanks	EPA-450/2-77-036	Internal floating roof[4], equipment specifications and maintenance requirements.	Per methods in EPA-450/2-77-036, page 6-2
		Add-on[2]	Method 25
Petroleum Refinery Vacuum Producing Systems, Wastewater Separators and Process Unit Turnarounds	EPA-450/2-77-025	Equipment specifications and operating procedures	Per methods in EPA-450/2-77-025, page 6-2
Cutback Asphalt	EPA-450/2-77-037	Water emulsion	Direct observation by inspector
		Emulsion solvent content	ASTM Distillation Test D-244
Degreasing	EPA-450/2-77-022	Equipment specifications and operating procedures	Per methods in EPA-450/2-77-022, pages 3-31, 3-33, 3-35, and 7-1 to 7-7
		Add-on[2]	
Petroleum Refinery Equipment Leaks	EPA-450/2-78-036	Inspection, maintenance and monitoring	Method 21

APPENDIX NO. 5 (CONTINUED)

TEST METHODS FOR SOURCES OF VOLATILE ORGANIC COMPOUNDS

Source Categories	EPA Document No.	Control Option	Test Method[1]
Surface Coating of Miscellaneous Metal Parts and Products	EPA-450/2-78-015	Low solvent coatings	Method 24 or methods in EPA-450/2-78-015, page 6-1
		Add-on[2]	Method 25
Surface Coating of Flatwood Paneling	EPA-450/2-78-032	Low solvent coatings	Method 24 or methods in EPA-450/2-78-032, page 5-1
		Add-on[2]	Method 25
Pharmaceutical Manufacture	EPA-450/2-78-029	Operation and maintenance	Per methods in EPA-450/2-78-029, page 7-2
Rubber Tire Manufacture	EPA-450/2-78-030	Add-on[2]	Method 25
Graphic Arts: Rotogravure and Flexography	EPA-450/2-78-033	Add-on[2]	Method 25
		Low solvent inks, high solids inks	Method 24 or 24A
External Floating Roof Tanks	EPA-450/2-78-047	Add-on[2]	Method 25
		Inspection, maintenance and monitoring	Per methods in EPA-450/2-78-047,

APPENDIX NO. 5 (CONTINUED)

TEST METHODS FOR SOURCES OF VOLATILE ORGANIC COMPOUNDS

Source Category	EPA Document No.	Control Option	Test Method[1]
Perchloroethylene Dry Cleaners	EPA-450/2-78-050	Opperation and maintenance	Per methods in EPA-450/2-78-050, pages 6-1 to 6-4
		Add-on[2]	
Gasoline Tank Trucks	EPA-450/2-78-051	Pressure-vacuum test	Method 27 or methods in EPA-450/2-78-051, Appendix B
		Inspection, maintenance and monitoring	Leak tests per methods in EPA-450/2-78-051, Appendix B
Petroleum Dry Cleaners	EPA-450/3-82-009	Operation and maintenance	Per methods in EPA-450/3-82-009, Appendix E
		Add-on[2]	Method 25
Natural Gas/Gasoline Processing Plants	EPA-450/3-83-007	Inspection, maintenance and monitoring	Method 21
Synthetic Organic Chemicals Manufacturing Industry (SOCMI) Equipment Leaks	EPA-450/3-83-006	Inspection, maintenance and monitoring	Method 21

APPENDIX NO. 5 (CONTINUED)

TEST METHODS FOR SOURCE OF VOLATILE ORGANIC COMPOUNDS

Source Category	EPA Document No.	Control Option	Test Method[1]
Manufacture of High Density Polyethylene, Polypropylene and Polystyrene	EPA-450/3-83-008	Add-on[2]	Method 18, 25, or 25A
Volatile Organic Liquid Storage Vessels		Inspection, maintenance and monitoring	
Synthetic Organic Chemicals Manufacturing Industry (SOCMI) Air Oxidation Unit Processes		Add-on[2]	Method 18

1. Methods refer to those found in Appendix A to Part 60 of Title 40 of the Code of Federal Regulations unless otherwise noted.
2. Add-on refers to emission control equipment, e.g., incineration, carbon adsorption, refrigeration, refrigeration/compression/absorption,etc.
3. Visual inspection except for leaks.
4. Visual inspections only. ".

(f) 20 DCMR 703 is amended as follows:

(1) Subsection 703.1 is amended to read as follows:

"703.1 The loading of volatile organic compounds or gasoline into any tank truck, trailer, or railroad tank car from any loading facility shall be prohibited unless the loading facility is equipped with a vapor collection and disposal system or its equivalent designed to collect the total organic compound vapors displaced during loading and in good working order and in operation.".

(2) Subsection 703.4 is amended to read as follows:

"703.4 The vapor disposal portion of the system shall limit the emissions to the atmosphere to no more than eighty (80) milligrams of total organic compounds per liter of product loaded and shall consist of one of the following:

"(a) A vapor-liquid adsorber system with a minimum recovery efficiency of ninety percent (90%) by weight of all the hydrocarbon vapors and gases entering the disposal system;

"(b) A variable space tank, compressor, and fuel gas system of sufficient capacity to receive all hydrocarbon vapors and gases displaced from tank trucks, trailers, and railroad tank cars being loaded; or

"(c) Other equipment of at least ninety percent (90%) efficiency; provided that the equipment is submitted and approved by the Mayor.".

(3) New subsections 703.6 and 703.7 are added to read as follows:

"703.6 The vapor collection and liquid loading equipment shall be designed and operated to prevent gauge pressure in the delivery tank from exceeding eighteen (18) inches of water column during product loading.

"703.7 No pressure-vacuum vent in the vapor collection and disposal system shall begin to open at a system pressure less than eighteen (18) inches of water column.".

(g) 20 DCMR 705 is amended as follows:

(1) Subsection 705.1 is amended by striking the numbers "705.4" and "705.5" and inserting the numbers "705.3" and "705.4", respectively, in their places.

(2) Subsection 705.2 is amended by striking the numbers "705.6" and "705.7" and inserting the numbers "705.5" and "705.6", respectively, in their places.

(3) Subsection 705.3 is amended to read as follows:

"705.3 All gasoline dispensing facilities available to the general public, or to segments of the general public by virtue of having some membership or military status, having three (3) or less dispensing nozzles and dispensing less than ten thousand (10,000) gallons of gasoline per month, or less than fifty thousand (50,000) gallons of gasoline per month in the case of an independent small business marketer of gasoline, shall be exempt from the requirements of subsection 705.1. All gasoline dispensing facilities available to the general public, or to segments of the general public by virtue of having some membership or military status, having three (3) or less dispensing nozzles and dispensing more than ten thousand (10,000) gallons of gasoline per month, or more than fifty thousand (50,000) gallons of gasoline per month in the case of an independent small business marketer of gasoline shall comply with the requirements of subsection 705.1 according to the following schedule:

"(a) May 15, 1993, in the case of gasoline dispensing facilities for which construction commenced after November 15, 1990;

"(b) November 15, 1993, in the case of gasoline dispensing facilities which dispense at least one hundred thousand (100,000) gallons of gasoline per month, based on average monthly sales for the two (2) year period before November 15, 1992; or

"(c) November 15, 1994, in the case of all other gasoline dispensing facilities.

"(d) Any gasoline dispensing facility described under both (a) and (b) shall meet the requirements of (a).

"(e) Applicability shall be based upon the average monthly throughput determined for the two (2) year period prior to November 15, 1992, and will not include any periods of facility inactivity. Average monthly throughput shall be calculated using a thirty (30) day rolling average.".

(h) 20 DCMR 700 is amended by adding a new section 715 to read as follows:

"715 REASONABLY AVAILABLE CONTROL TECHNOLOGY

"715.1 Calculation of source emissions of volatile organic compounds to determine applicability of a regulation of this chapter shall be based on the following:

"(a) The theoretical potential to emit (design capacity or maximum production and maximum operating hours, eight thousand seven hundred sixty (8,760) hours per year) before add-on controls; and

"(b) All emissions from individual emission sources within the same control technique guideline category shall be summed, except for petroleum/gasoline marketing, in which emissions from storage tanks, terminals, and loading racks within the same plant/site shall be summed.

"715.2 Reasonably available control technology shall be applied if the potential, plant-wide emissions are greater than or equal to fifty (50) tons per year.

"715.3 Reasonably available control technology shall be applied if the potential, plant-wide emissions have ever been greater than or equal to fifty (50) tons per year or equal or exceed fifty (50) tons per year in the future.

"715.4 For sources for which there is no control technique guideline, the above requirements shall apply in addition to the following:

"(a) Potential emissions from all processes within a plant shall be summed to determine applicability of reasonably available control technology;

"(b) Reasonably available control technology shall be evaluated for all processes in the plant if potential emissions as determined above are greater than or equal to fifty (50) tons per year; and

"(c) Reasonably available control technology may not be avoided unless physical or operational limitations on the capacity of the source to emit are enforceable under the Federal Clean Air Act and this chapter.".

(i) 20 DCMR 900 is amended by adding a new section 904 to read as follows:

"904 OXYGENATED FUELS

"904.1 Beginning on November 1, 1992, and for each oxygenated gasoline control period thereafter, all gasoline purchased, sold, offered for sale, or used in the oxygenated gasoline control area

shall contain a minimum of two and seven tenths (2.7) percent oxygen by weight.

"904.2 Beginning on November 1, 1992, and for each oxygenated gasoline control period thereafter, each gasoline pump stand from which oxygenated gasoline is dispensed at a retail outlet shall be affixed with a legible and conspicuous label which contains the following statement:

""The gasoline dispensed from this pump is oxygenated and will reduce carbon monoxide pollution from motor vehicles."

"One of the following two statements may be added at the beginning or end of the above statement, and if it is added, the label may remain on the pump-stand year round:

"(1) "From November 1 through the last day of February."; or

"(2) "From November through February.".

"(a) The posting of the above statement shall be in block letters of no less than twenty (20) point bold type; in a color contrasting the intended background. The label shall be placed on the vertical surface of the pump on each side which has price and gallonage meters, and shall be on the upper two-thirds (2/3) of the pump, clearly readable by the public.

"(b) The retailer shall be responsible for compliance with the labeling requirements of this section.".

Sec. 3. This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.

Acting Chairman
Council of the District of Columbia

Mayor
District of Columbia
JULY 16, 1993

COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD TEN

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: B10-11

☐ Item on Consent Calendar

☒ ACTION & DATE: Adopted First Reading, 6-1-93

☒ VOICE VOTE: Approved

Recorded vote on request

Absent: Barry and Chavous

☐ ROLL CALL VOTE — RESULT (— — — —)

COUNCIL MEMBER	AYE	NAY	N.V	A.B	COUNCIL MEMBER	AYE	NAY	N.V	A.B.	COUNCIL MEMBER	AYE	NAY	N.V	A.B
CHMN. RAY					EVANS					SMITH, JR.				
BARRY					JARVIS					THOMAS, SR.				
BRAZIL					LIGHTFOOT									
CHAVOUS					MASON									
CROPP					NATHANSON									

X — Indicates Vote A.B. — Absent N.V — Present, not voting

CERTIFICATION RECORD

Secretary to the Council

July 1, 1993
Date

☐ Item on Consent Calendar

☒ ACTION & DATE: Adopted Final Reading, 6-29-93

☒ VOICE VOTE: Approved

Recorded vote on request

Absent: all present

☐ ROLL CALL VOTE — RESULT (— — — —)

COUNCIL MEMBER	AYE	NAY	N.V	A.B	COUNCIL MEMBER	AYE	NAY	N.V	A.B.	COUNCIL MEMBER	AYE	NAY	N.V	A.B
CHMN. RAY					EVANS					SMITH, JR.				
BARRY					JARVIS					THOMAS, SR.				
BRAZIL					LIGHTFOOT									
CHAVOUS					MASON									
CROPP					NATHANSON									

X — Indicates Vote A.B. — Absent N.V — Present, not voting

CERTIFICATION RECORD

Secretary to the Council

July 1, 1993
Date

☐ Item on Consent Calendar

☐ ACTION & DATE:

☐ VOICE VOTE:

Recorded vote on request

Absent:

☐ ROLL CALL VOTE — RESULT (— — — —)

COUNCIL MEMBER	AYE	NAY	N.V	A.B	COUNCIL MEMBER	AYE	NAY	N.V	A.B.	COUNCIL MEMBER	AYE	NAY	N.V	A.B
CHMN. RAY					EVANS					SMITH, JR.				
BARRY					JARVIS					THOMAS, SR.				
BRAZIL					LIGHTFOOT									
CHAVOUS					MASON									
CROPP					NATHANSON									

X — Indicates Vote A.B. — Absent N.V — Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date